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# SENATE BILL No. \_\_\_\_\_

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-23-6.5; IC 36-2-14.

**Synopsis:** Coroner issues. Prohibits disturbing a body, any evidence, and the scene of death until the coroner has photographed the body and law enforcement and the coroner have finished their investigation. Requires the coroner to positively identify a dead person by one of four specified methods. Requires the Indiana law enforcement academy (academy) to create and offer an introductory training course and an annual training course for coroners and deputy coroners. Provides that the courses must include instruction regarding death investigation, crime scenes, and preservation of evidence at a crime scene for police and crime lab technicians. Requires the academy to consult with the coroners training board and a pathologist in creating the training courses. Requires each coroner and each deputy coroner to successfully complete: (1) the introductory training course; and (2) the annual training course. Provides that a coroner's or deputy coroner's paycheck shall be withheld for failing to successfully complete the introductory training course or the annual training course. Provides that a coroner's paycheck shall be withheld for failing to release a written report or full autopsy report. (The introduced version of this bill was prepared by the interim committee on criminal justice matters.)

**Effective:** July 1, 2007.

**Miller**

\_\_\_\_\_, read first time and referred to Committee on \_\_\_\_\_



Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 4-23-6.5-7 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The board shall  
3       adopt rules under IC 4-22-2 for the following:

4               (1) Standards for continuing education and training for county  
5               coroners, **including education and training requirements set**  
6               **forth in IC 36-2-14.**

7               (2) Mandatory training and continuing education requirements for  
8               deputy coroners, **including education and training**  
9               **requirements set forth in IC 36-2-14.**

10              (3) Minimum requirements for continuing education instructors  
11              approved by the board.

12              (4) The necessary administration of this chapter.

13       SECTION 2. IC 4-23-6.5-10 IS ADDED TO THE INDIANA CODE  
14       AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
15       1, 2007]: **Sec. 10. The board shall consult with the Indiana law**  
16       **enforcement academy under IC 36-2-14-22(c)(1) concerning**  
17       **criminal investigations in the creation of:**

2007

LS 6078/DI 107



1           **(1) the training course for coroners and deputy coroners**  
 2           **under IC 36-2-14-22(a); and**

3           **(2) the annual training course for coroners and deputy**  
 4           **coroners under IC 36-2-14-22(b).**

5           SECTION 3. IC 36-2-14-6 IS AMENDED TO READ AS  
 6           FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Whenever the  
 7           coroner is notified that a person in the county:

8                 (1) has died from violence;

9                 (2) has died by casualty;

10                (3) has died when apparently in good health;

11                (4) has died in an apparently suspicious, unusual, or unnatural  
 12                manner; or

13                (5) has been found dead;

14           ~~he~~ **the coroner** shall, before the scene of the death is disturbed, notify  
 15           a law enforcement agency having jurisdiction in that area. The agency  
 16           shall assist the coroner in conducting an investigation of how the  
 17           person died and a medical investigation of the cause of death.

18           (b) The coroner shall file with the person in charge of interment a  
 19           coroner's certificate of death within seventy-two (72) hours after being  
 20           notified of the death. If the cause of death is not established with  
 21           reasonable certainty within seventy-two (72) hours, the coroner shall  
 22           file with the person in charge of interment a coroner's certificate of  
 23           death, with the cause of death designated as "deferred pending further  
 24           action". As soon as ~~he~~ **the coroner** determines the cause of death, the  
 25           coroner shall file a supplemental report indicating ~~his~~ **the** exact  
 26           findings with the local health officer having jurisdiction, who shall  
 27           make it part of ~~his~~ **the health officer's** official records.

28           (c) If this section applies, the body, **any evidence**, and the scene of  
 29           death may not be disturbed until:

30                **(1) the coroner has photographed them in the manner that most**  
 31                **fully discloses how the person died; and**

32                **(2) law enforcement and the coroner have finished their**  
 33                **investigation of the scene of death.**

34           However, a coroner or law enforcement officer may order a body to be  
 35           moved before photographs are taken if the position or location of the  
 36           body unduly interferes with activities carried on where the body is  
 37           found, but the body may not be moved from the immediate area and  
 38           must be moved without substantially destroying or altering the  
 39           evidence present.

40           (d) When acting under this section, if the coroner considers it  
 41           necessary to have an autopsy performed, is required to perform an  
 42           autopsy under subsection (f), or is requested by the prosecuting



attorney of the county to perform an autopsy, the coroner shall employ a physician:

- (1) certified by the American Board of Pathology; or
- (2) holding an unlimited license to practice medicine in Indiana and acting under the direction of a physician certified by the American Board of Pathology;

to perform the autopsy. The physician performing the autopsy shall be paid a fee of at least fifty dollars (\$50) from the county treasury. A coroner may employ the services of the medical examiner system, provided for in IC 4-23-6-6, when an autopsy is required, as long as this subsection is met.

(e) If:

- (1) at the request of:

- (A) the decedent's spouse;
- (B) a child of the decedent, if the decedent does not have a spouse;
- (C) a parent of the decedent, if the decedent does not have a spouse or children;
- (D) a brother or sister of the decedent, if the decedent does not have a spouse, children, or parents; or
- (E) a grandparent of the decedent, if the decedent does not have a spouse, children, parents, brothers, or sisters;

- (2) in any death where two (2) or more witnesses who corroborate the circumstances surrounding death are present; and

- (3) two (2) physicians who are licensed to practice medicine in the state and who have made separate examinations of the decedent certify the same cause of death in an affidavit within twenty-four (24) hours after death;

an autopsy need not be performed. The affidavits shall be filed with the circuit court clerk.

(f) A county coroner may not certify the cause of death in the case of the sudden and unexpected death of a child who is at least one (1) week old and not more than three (3) years old unless an autopsy is performed at county expense. However, a coroner may certify the cause of death of a child described in this subsection without the performance of an autopsy if subsection (e) applies to the death of the child.

SECTION 4. IC 36-2-14-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.5. (a) As used in this section, "DNA analysis" means an identification process in which the unique genetic code of an individual that is carried by the individual's deoxyribonucleic acid (DNA) is compared to genetic codes carried in DNA found in bodily**



substance samples obtained by a law enforcement agency in the exercise of the law enforcement agency's investigative function.

(b) As used in this section, "immediate family member" means, with respect to a particular dead person, an individual who is at least eighteen (18) years of age and who is one (1) of the following:

- (1) The dead person's spouse.
- (2) The dead person's child.
- (3) The dead person's parent.
- (4) The dead person's grandparent.
- (5) The dead person's sibling.

(c) The coroner shall make a positive identification of a dead person unless extraordinary circumstances described in subsection

(d) exist. In making a positive identification, the coroner shall determine the identity of a dead person by one (1) of the following methods:

- (1) Fingerprint identification.
- (2) DNA analysis.
- (3) Dental record analysis.
- (4) Positive identification by at least one (1) of the dead person's immediate family members if the dead person's body is in a physical condition that would allow for the dead person to be reasonably recognized.

(d) For the purposes of subsection (c), extraordinary circumstances exist if, after a thorough investigation, the coroner determines that identification of the dead person is not possible under any of the four (4) methods described in subsection (c).

SECTION 5. IC 36-2-14-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) The Indiana law enforcement academy, under the direction of the executive director appointed under IC 5-2-1-14, shall create and offer a training course for coroners and deputy coroners. The training course must include:

- (1) at least forty (40) hours of instruction; and
- (2) instruction regarding:
  - (A) death investigation;
  - (B) crime scenes; and
  - (C) preservation of evidence at a crime scene for police and crime lab technicians.

(b) The Indiana law enforcement academy shall create and offer an annual training course for coroners and deputy coroners. The annual training course must:

- (1) include at least eight (8) hours of instruction; and



1           (2) cover recent developments in:

2                (A) death investigation;

3                (B) crime scenes; and

4                (C) preservation of evidence at a crime scene for police and  
5                crime lab technicians.

6           (c) In creating the courses under subsections (a) and (b), the  
7           Indiana law enforcement academy shall consult with:

8                (1) the coroners training board established by IC 4-23-6.5-3  
9                regarding the creation of the training courses; and

10              (2) a pathologist certified by the American Board of  
11              Pathology regarding medical issues that are a part of the  
12              training courses.

13           (d) All training in the courses offered under subsections (a) and  
14           (b) that involves medical issues must be provided by a pathologist  
15           certified by the American Board of Pathology.

16           (e) All training in the courses offered under subsections (a) and  
17           (b) that involves crime scenes and evidence preservation must be  
18           provided by a law enforcement officer.

19           SECTION 6. IC 36-2-14-23 IS ADDED TO THE INDIANA CODE  
20           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
21           1, 2007]: Sec. 23. (a) Each coroner shall successfully complete the  
22           training course offered under section 22(a) of this chapter within  
23           six (6) months after taking office.

24           (b) Each deputy coroner shall successfully complete the training  
25           course offered under section 22(a) of this chapter within six (6)  
26           months after beginning employment with a coroner's office.

27           (c) Each coroner and each deputy coroner shall successfully  
28           complete the annual training course offered under section 22(b) of  
29           this chapter each year.

30           (d) After a coroner or deputy coroner has:

31                (1) successfully completed the training course as required  
32                under subsection (a) or (b); and

33                (2) successfully completed the annual training course as  
34                required under subsection (c);

35           the coroner or deputy coroner shall present a certificate or other  
36           evidence to the county executive, or in the case of a county that  
37           contains a consolidated city, the city-county council, that the  
38           coroner or deputy coroner has successfully completed the training  
39           required under subsection (a), (b), or (c).

40           (e) If a coroner or deputy coroner does not present a certificate  
41           or other evidence to the county executive, or in the case of a county  
42           that contains a consolidated city, the city-county council, that the



1 coroner or deputy coroner has successfully completed the training  
 2 required under subsection (a), (b), or (c), the county executive or  
 3 city-county council shall order the auditor to withhold the  
 4 paycheck of the coroner or deputy coroner until the coroner or  
 5 deputy coroner satisfies the respective training requirements under  
 6 subsections (a), (b), and (c).

7 (f) If the county executive or city-county council orders an  
 8 auditor to withhold a paycheck under subsection (e) and a coroner  
 9 or deputy coroner later presents a certificate or other evidence to  
 10 the county executive or city-county council that the coroner or  
 11 deputy coroner has successfully completed training required under  
 12 subsection (a), (b), or (c), the county executive or city-county  
 13 council shall order the auditor to release all of the coroner's or  
 14 deputy coroner's paychecks that were withheld from the coroner  
 15 or deputy coroner.

16 SECTION 7. IC 36-2-14-24 IS ADDED TO THE INDIANA CODE  
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 18 1, 2007]: Sec. 24. (a) Except as provided in subsection (b), if a  
 19 coroner does not release:

20 (1) a written report required under section 10 of this chapter;  
 21 or

22 (2) a full copy of an autopsy report required under section 18  
 23 of this chapter;

24 as required by law, the county executive, or in the case of a county  
 25 containing a consolidated city, the city-county council, shall order  
 26 the auditor to withhold the paycheck of the coroner until the  
 27 coroner properly releases the written report or full autopsy report.

28 (b) A county auditor may not withhold the paycheck of a  
 29 coroner if a coroner is legally prohibited from releasing a written  
 30 report or from releasing a full autopsy report. However, a coroner  
 31 is required to release a written report or full autopsy report as  
 32 soon as possible after the legal prohibition on releasing the written  
 33 report or full autopsy report ceases to exist.

34 (c) If the county executive or city-county council orders an  
 35 auditor to withhold a paycheck under subsection (a) and a coroner  
 36 properly releases the written report or full autopsy report, the  
 37 county executive or city-county council shall order the auditor to  
 38 release all of the coroner's paychecks that were withheld from the  
 39 coroner.

